

1 WARRINGTON S. PARKER III (SBN 148003)  
wparker@crowell.com  
2 JOANNA ROSEN FORSTER (SBN 244943)  
jforster@crowell.com  
3 CROWELL & MORING LLP  
3 Embarcadero Center, 26th Floor  
4 San Francisco, CA 94111  
Telephone: 415.986.2800  
5 Facsimile: 415.986.2827

6 MICHAEL W. MCCONNELL (*pro hac vice* pending)  
mconnell@law.stanford.edu  
7 559 Nathan Abbott Way  
Stanford, CA 94305  
8 Telephone: (650) 736-1326

9 Attorneys for *AMICI CURIAE*

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 STATE OF CALIFORNIA and GAVIN  
15 NEWSOME, in his official capacity as  
Governor of California,

16 Plaintiffs,

17 v.

18 DONALD J. TRUMP, in his official capacity  
19 as President of the United States, et al.,

20 Defendants.  
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Case No. 3:25-cv-03372-JSC

**UNOPPOSED ADMINISTRATIVE  
MOTION SEEKING TO FILE AN  
AMICUS CURIAE BRIEF IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION;  
PROPOSED BRIEF ATTACHED TO  
THIS MOTION**

Date: June 26, 2025  
Time: 10:00 a.m.  
Ctm: Courtroom 8, 19th Floor  
Judge: Hon. Jacqueline Scott Corley

Pursuant to Local Rule 7-11, George F. Allen, Steven G. Calabresi, Joshua A. Claybourn, John C. Danforth, Richard A. Epstein, Charles T. Hagel, Harold Hongju Koh, Gerard N. Magliocca, Michael W. McConnell, Michael B. Mukasey, Alan O. Sykes, Judge John Daniel Tinder, Peter J. Wallison, and Philip Zelikow (together, “proposed amici”) respectfully move, through undersigned counsel, for leave to file a brief as amici curiae in support of plaintiffs’ motion for preliminary injunction. The proposed brief is attached as Exhibit 1, and a proposed order is also attached. In support of this motion, amici further state:

1. This Court has discretion in determining whether a third party may participate in a case as amicus curiae. *See, e.g., NGV Gaming Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005). “District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved. *Id.*; *see also Yurok Tribe v. U.S. Bureau of Reclamation*, 654 F. Supp. 3d 941, 957 n. 6 (N.D. Cal. 2023). Amici can provide precisely that kind of information and perspective.

2. Amici are constitutional scholars, legal historians, public lawyers, retired federal appellate judges, a former United States Attorney General, and three former United States Senators united by a common conviction: the endurance of the American Republic depends not only on elections or policy outcomes, but on the faithful preservation of its constitutional structure. They span the ideological spectrum, joined not by partisanship but by a common concern over the erosion of Congress’s Article I authority. Amici do not appear to defend or oppose any particular trade policy. They file this brief because they believe the Constitution draws bright lines between legislative and executive power—and that those lines are being blurred in ways that threaten democratic accountability itself.

3. On May 19, 2025, counsel for amici conferred with counsel for the parties and both parties have consented to the filing of this brief.

### **CONCLUSION**

For all the foregoing reasons, amici respectfully request that the Court grant their motion for leave to file an amicus curiae brief.

1 Dated: May 19, 2025

CROWELL & MORING LLP

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3 By: /s/ Warrington S. Parker III  
4 Warrington S. Parker III  
5 Joanna Rosen Forster  
6 Attorneys for *AMICI CURIAE*

7 Dated: May 19, 2025

MICHAEL W. MCCONNELL

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9 By: /s/ Michael W. McConnell  
10 Michael W. McConnell  
11 Attorney for *AMICI CURIAE*  
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